

## **REMARKS**

1. In response to the Office Action mailed October 31, 2007, Applicants respectfully request reconsideration. Claims 1-15 were originally presented for examination. In the outstanding Office Action, claims 1-15 were rejected. By the foregoing Amendments, claims 1-10 and 12-15 have been amended. No claims have been added and claim 11 has been canceled. No new matter has been added. Thus, upon entry of this paper, claims 1-10 and 12-15 will be pending in this application. Of these fourteen (14) claims, one (1) claim (claim 1) is independent.

2. Based upon the above Amendment and following Remarks, Applicants respectfully request that all outstanding objections and rejections be reconsidered, and that they be withdrawn.

### ***Art of Record***

3. Applicants acknowledge receipt of form PTO-892 listing additional references identified by the Examiner.

4. Applicants also thank the Examiner for returning the PTO/SB08A & B forms submitted by Applicants on June 22, 2005 and August 15, 2005, which has been initialed by the Examiner indicating the Examiner has considered the references cited therein.

### ***Priority Claim***

5. Applicants note with appreciation the Examiner's acknowledgement of foreign priority under 35 U.S.C. §119.

### ***Claim Amendments***

6. Applicants submit that the above Amendments are made for purposes of clarification. The Amendments are supported by the text, claims and figures of the originally filed application, including the text of the specification at pages 16, 31 and 32. No new matter has been added.

***Claim Rejections under §102***

7. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,196,956 to Ratkowski. (hereinafter, “Ratkowski”). As amended, independent claim 1 recites, in part, “the contact zones further comprising... interacting joints configured to have a common rotational axis... ***wherein the common rotational axis is arranged substantially perpendicular*** to the direction of fitting of the locking device.” (See, Applicants’ independent claim 1, as amended, above; emphasis added.)

8. Ratkowski is directed to “digger teeth such as those used for trenching, ripping and excavating operations” where the teeth are disposed on tractor equipment and “carried by a shank, [and] caused to penetrate the earth and then is pushed or pulled therethrough.” (See, Ratkowski, FIG. 1, col. 1, ll. 8-15, 46-49.) Figure 2 of Ratkowski is described as being “a side elevational view of the shank part of said tractor equipped with a tooth of the present invention.” (See, Ratkowski, col. 1, ll. 49-51.) Ratkowski describes a retainer pin 94 as holding the point on the adapter and being adapted to be removably seated in an opening 95 in the adapter nose, as shown in figures 2 and 5. (See, Ratkowski, col. 4, ll. 26-31.) Ratkowski further explains that “the parts of the tooth can be separated merely by knocking the retainer 94 out of the passageway defined by the registered openings 95 and 96.” (See, Ratkowski, col. 4, ll. 41-42.) Since the retainer pin 94 is inserted through the side via opening 95 in a horizontal arrangement, the rotational axis of the teeth in Ratkowski will be along the horizontal, rather than vertical, axis of retainer pin 94. (See, Ratkowski, FIGS. 2, 3 and 5.) Therefore, this horizontal axis of retainer pin 94 will be substantially parallel to the direction of fitting of the tooth to the shank in Ratkowski. Contrary to Ratkowski, Applicants’ independent claim 1 recites that the “common ***rotational axis*** is arranged ***substantially perpendicular to the direction of fitting of the locking device.***” (See, Applicants’ independent claim 1, as amended above; emphasis added.) For at least this reason, Ratkowski does not teach or suggest all features of Applicants’ invention as claimed. Accordingly, Applicants assert that the rejection of this independent claim is improper, and that it be reconsidered and withdrawn.

9. Furthermore, independent claim 1 recites, in part, “the ***recesses*** are ***made on the wearing and/or replacement part*** and... the ***projections*** are disposed on the ***holder part***”. (See,

Applicants' independent claim 1, as amended above; emphasis added.) To the contrary, Ratkowski describes "a pair of *projections* or tangs 90 *extend[s]* rearwardly *from the side walls of the point*" while the "shaped *depressions 92* [are formed *in the*] *head 70* of the adapter". Clearly the holder part of the present invention has a structural configuration that is different from the configuration of Ratkowski's head 70. Similarly, the wearing and/or replacement part of the present invention also has a structural configuration that is different from the configuration of Ratkowski's point. Additionally, independent claim 1 recites, in part, "wherein the contact faces are configured... *to ensure that the contact* between the contact faces on the recesses and on the projections *will be made*, primarily, *at a common centre of the end faces* and... *as the wear has progressed, about the common centre*, into an increasingly large contact zone, while the *distance between the end faces* of the collateral joints at their common centre *is equal to zero or substantially less than between the end faces of the collars.*" (See, Applicants' independent claim 1, as amended above; emphasis added.) Applicants assert that since Ratkowski fails to teach or suggest any "common centre of the end faces", since Ratkowski does not teach or suggest any contact faces on the projections 90 or depressions 92. Furthermore, Applicants assert that Ratkowski fails to teach or disclose the limitation of the "distance between the end faces... [being] equal to zero or substantially less than between the end faces of the collars" since Ratkowski describes the distance between its collars 93 and 46 to be the *same all around the device*, therefore making it impossible to have a distance between them that is "*substantially less*" as claimed by Applicants. For at least these reasons, Ratkowski further does not teach or suggest all features of the invention as claimed. Accordingly, Applicants assert that the rejection of this independent claim is improper, and that it be reconsidered and withdrawn.

### ***Dependent claims***

10. The dependent claims incorporate all the subject matter of their respective independent claims and add additional subject matter which makes them independently patentable over the art of record. Accordingly, Applicants respectfully assert that the dependent claims are also allowable over the art of record.

***Conclusion***

11. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.
12. Applicants reserve the right to pursue any cancelled claims or other subject matter disclosed in this application in a continuation or divisional application, cancellations and amendments of above claims, therefore, are not to be construed as an admission regarding the patentability of any claims and Applicant reserves the right to pursue such claims in a continuation or divisional application.
13. In the event that the Examiner believes that an interview would serve to advance the prosecution of this application, the undersigned is available at the number noted below.
14. Please charge any fees due with this response to our Deposit Account No. 22-0185, under Order No. 20459-00395-US1 from which the undersigned is authorized to draw.

Dated: January 30, 2008

Respectfully submitted,

Electronic signature: /Burton A. Amernick/  
Burton A. Amernick  
Registration No.: 24,852  
CONNOLLY BOVE LODGE & HUTZ LLP  
1875 Eye Street, NW  
Suite 1100  
Washington, DC 20006  
(202) 331-7111  
(202) 293-6229 (Fax)  
Attorney for Applicant

#71180